

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

M.J.J.,

Plaintiff,

v.

Case No. 15-cv-433

POLK COUNTY SHERIFF'S DEPARTMENT,
DARRYL L. CHRISTENSEN,

Defendants.

**AFFIDAVIT OF DAVID BISEK IN SUPPORT OF
WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION'S MOTION TO
INTERVENE AND COMPLAINT FOR DECLARATORY JUDGMENT**

STATE OF WISCONSIN)
) ss.
COUNTY OF WAUKESHA)

DAVID BISEK, being first duly sworn, on oath deposes and states:

1. I am an adult resident of the state of Wisconsin and I have personal knowledge of the matters set forth in this affidavit.

2. I am the Senior Vice President of Claims and Litigation with Aegis Corporation which administers claims for a number of insurance companies including Wisconsin County Mutual Insurance Corporation ("WCMIC").

3. WCMIC is a domestic corporation authorized and licensed to do business in the State of Wisconsin.

4. WCMIC issued Public Entity Liability policies of insurance to Polk County, Policy Nos. 14911 (calendar year 2011), 14912 (calendar year 2012), 14913 (calendar year 2013) and 14914 (calendar year 2014), covering four consecutive one-year policy periods from

January 1, 2011 to January 1, 2015. A true, correct, and certified copy of said policies of insurance are attached hereto as Exhibits 1-4.

5. Defendants Polk County Sheriff's Department and Darryl L. Christensen tendered defense of the claims asserted in Plaintiff's Complaint to WCMIC under the above-referenced Public Entity Liability policies of insurance.

6. WCMIC has retained counsel to defend the interests of Defendant Polk County Sheriff's Department with respect to Plaintiff's Complaint.

7. WCMIC has retained separate counsel to defend the interests of Defendant Darryl L. Christensen under a full and complete reservation of rights. A true and correct copy of the reservation of rights letter sent to Defendant Darryl L. Christensen is attached hereto as Exhibit 5.

8. WCMIC believes that the terms, conditions, limitations and exclusions of its Public Entity Liability policies of insurance preclude coverage for Defendant Darryl L. Christensen for the claims asserted by Plaintiff against Defendant Darryl L. Christensen in the Complaint.

9. The rights of WCMIC will be substantially prejudiced if it is not allowed to intervene in this matter and to assert its rights under the above-referenced Public Entity Liability policies of insurance and to have those rights declared.

Dated this 16 day of October, 2015.

s/ David Bisek

David Bisek

Subscribed and sworn to before me
this 16th day of October, 2015.

s/ Sheila Mishich

Notary Public, State of Wisconsin

My Commission expires: 7-13-18

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